

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(85) 280 final

Brussels, 31 May 1985

Proposal for a

## COUNCIL RESOLUTION

on a Community framework for the legal protection of the topographies  
of semiconductor products

(submitted to the Council by the Commission)

COM (85) 280 final

Explanatory Memorandum

1. Under the transitional provisions of the United States Semiconductor Chip Protection Act 1984 (section 914(a), protection may on petition be extended to foreign nationals, domiciliaries and sovereign authorities on the condition in particular that the foreign States in question are making good faith efforts to adopt legislation giving protection to semiconductor products similar to that granted by the US law.

2. Given that the legal protection accorded to the design of semiconductors is at best uncertain in a majority of the Community's Member States, the Commission has already announced its intention of preparing as a matter of urgency a proposal for a directive on the legal protection of topographies of semiconductor products. The proposal is at an advanced stage of preparation and will be submitted to the Council in the near future.

3. On the basis of the work completed so far, a petition by the Commission under the transitional provisions of the US legislation seems likely to succeed provided that the Member States have indicated their intention to examine the Commission's proposal with a view to its rapid adoption. The position of Member States which consider that their existing laws already sufficiently protect the topographies of semiconductor products will not be prejudiced since the resolution and/or the petition can make clear that in some cases protection may indeed already exist. The Commission petition based on the proposal for a Community framework and any national initiative on the basis of a Member States' existing law can thus be seen as complementary. The Commission petition might well serve as a useful "insurance policy" in case the United States authorities are not satisfied as to a petition made by a Member State on the basis of its existing law.

4. The resolution proposed will thus provide an important part of the basis on which the Commission could make a petition for transitional protection under the US legislation with a reasonable chance of success. European producers of semiconductors for whom the United States is an important market have expressed a strong interest in such a petition being made.

5. Provided the petition is made early in June, it might even be possible to secure an order prior to 1 July 1985. If such an order were made, it would protect semiconductor products marketed between 1 July 1983 and the adoption of the American Law on 8 November 1984.

Proposal for a Council resolution  
on a Community framework for the  
legal protection of the topographies  
of semiconductor products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Whereas semiconductor products are playing an increasingly important role in a broad range of industries and semiconductor technology can accordingly be considered as being of fundamental importance for the European Economic Community's industrial development;

Whereas the topographies of semiconductor products are at present not clearly protected in all Member States by existing legislation and such protection, where it exists, has different attributes;

Whereas, the Commission is preparing as a matter of urgency a proposal for a directive on the legal protection of the topographies of semiconductor products;

HAS ADOPTED THIS RESOLUTION:

Sole Article

The Council will examine the Commission's forthcoming proposal for a Council directive on the legal protection of the topographies of semiconductor products with a view to deciding on its adoption as rapidly as possible, subject to whatever amendments may be necessary, in particular, in the light of the opinions of the European Parliament and the Economic and Social Committee.